



**JUSTICE CABINET
DEPARTMENT OF
JUVENILE JUSTICE
POLICY AND PROCEDURES**

**REFERENCES:
101 KAR 2:034
101 KAR 2:102
101 KAR 3:015**

CHAPTER: Administration	AUTHORITY: KRS 15A.065
SUBJECT: Time, Attendance, and Leave Requirements	
POLICY NUMBER: 103.4	
TOTAL PAGES: 5	
EFFECTIVE DATE: 4/17/2015	
APPROVAL: Bob D. Hayter	, COMMISSIONER

I. POLICY

Department staff shall comply with time, attendance, and specific types of leave processes and guidelines set forth in policy. Staff shall also adhere to leave types not outlined in this policy in accordance with 101 KAR 2:102.

II. APPLICABILITY

This policy shall apply to the Department of Juvenile Justice (DJJ) staff.

III. DEFINITIONS

Refer to Chapter 100.

IV. PROCEDURES

A. General Attendance Requirements

1. Youth Worker (YW) I, II, III, Youth Worker Supervisor (YWS), and the Youth Services Program Supervisor (YSPS) shall work forty (40) hours per week.
2. All other staff shall work 37.5 hours per week.
3. Staff shall have five (5) workdays per week. Exception shall be for different work schedules that have been approved.
4. Staff call-in procedures shall be developed in each office and facility by the administrative manager.

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B. General Timekeeping Requirements

1. Timesheets shall be signed and dated by the staff person and supervisor.
2. A corrected timesheet shall be submitted if there are any errors found in a timesheet. The corrected timesheet shall be signed and dated by the staff person and supervisor.
3. Staff shall have five (5) workdays per calendar work week on all timesheets submitted, except for different work schedules that have been approved.
4. An employee who is directed to work, or who requests and is authorized to work, in excess of the prescribed hours of duty shall be granted compensatory leave and paid overtime. Refer to 101 KAR 2:102, Section 5, 101 KAR 2:034, and 101 KAR 3:015.
5. Leave and overtime requests and approvals shall be attached to timesheets, except in offices or facilities where such requests and approvals are documented on the schedule and shift reports.

C. Compensatory Time

1. A staff who is directed to or who requests and is authorized to work in excess of the prescribed hours of normal duty shall accrue compensatory leave or paid overtime subject to the provisions of the Fair Labor Standards Act (FLSA) 29 U.S.C. Section 201, et seq., the Kentucky Revised Statutes, and 101 KAR 2:102.
2. Managers and Supervisors shall be responsible for considering all overtime requests and approving only those which are absolutely essential.
3. Managers and Supervisors shall ensure fair and equitable treatment with regard to compensatory time.
4. A staff deemed to be non-exempt under the provisions of the FLSA shall have the option to accumulate compensatory leave at the rate of 1.5 hours for each hour worked in excess of forty (40) hours per week in lieu of paid overtime.
5. A staff deemed to be exempt under the provisions of the FLSA shall accumulate compensatory time on an hour-for-hour basis for hours worked in excess of the regular work schedule.
6. Compensatory leave shall be accumulated or used in one-quarter (.25) hour increments.
7. Earning compensatory time for work completed at home shall be permissible at the request of the Supervisor and with prior approval of the Division Director or designee.
8. Supervisors may require a staff to use compensatory leave before annual leave if the staff has a balance of at least one-hundred (100) hours of

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compensatory leave, except if the staff's annual leave balance exceeds the maximum number of hours that may be carried forward in accordance with 101 KAR 2:102.

9. Supervisors may require a staff who has accrued in excess of two-hundred (200) hours of compensatory leave to take off work using compensatory leave in an amount sufficient to reduce the leave balance below two-hundred (200) hours in accordance with 101 KAR 2:102.

D. Staff shall follow guidelines for leave consistent with the following:

1. Adverse Weather Leave

- a. Facilities shall identify all Youth Workers, Youth Worker Supervisors, Youth Services Program Supervisors, and Food Services as essential staff for mandatory operations. Refer to 101 KAR 2:102, Section 11.
- b. Absences due to adverse weather shall not be authorized for essential staff.
- c. The use of adverse weather leave shall not be approved for staff who work a forty (40) hour work week. Staff assigned to a Day Treatment Program or the Transportation Branch shall utilize accrued leave or report to the closest Facility as identified by the Division Director.
- d. Essential staff that are on pre-arranged approved compensatory time, annual, or sick leave shall be charged leave as originally requested.
- e. Essential staff who calls in sick during adverse weather may be required to furnish a medical statement.
- f. Non-essential staff shall be authorized to utilize adverse weather leave. Refer to 101 KAR 2:102, Section 11.
- g. Essential staff shall be charged leave without pay for failure to report to their facility during or adverse weather.

2. Military Leave

- a. Pursuant to 101 KAR 2:102 Section 6, a copy of the orders shall be submitted to the appropriate Supervisor and Personnel Branch prior to leave or immediately upon return from duty.
- b. The staff shall be charged with annual leave, compensatory leave, or leave without pay if a copy of the orders is not received immediately upon return.
- c. A mobilization packet shall be provided for those staff mobilized or on long-term tour orders.
- d. Staff shall complete the Personnel Cabinet's Military Leave Designation Form prior to departure.

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3. Sick Leave Without Pay by Personnel Action Notification (PAN)
 - a. Staff who are unable to return to work and have exhausted all accumulated leave, sick leave sharing, and family medical leave entitlement shall be placed on PAN leave without pay.
 - b. The Personnel Branch shall provide the staff written notification of the effective date of the PAN leave without pay.
 - c. PAN leave shall not exceed one (1) calendar year.
 - d. Staff may be required to provide medical statements during the year from an appropriate medical professional attesting to their inability to perform the essential functions of their job with or without reasonable accommodations.
 - e. The Personnel Branch shall continue to assist the staff by reviewing vacant positions within the department for which they qualify, and assisting in the submission of updated applications to the Personnel Cabinet so the staff can be placed on qualifying registers for consideration.
 - f. If the staff is able to return to work they shall provide medical documentation certifying their ability to perform the essential functions of the job.
 - g. The staff shall be deemed resigned if they are unable to return to work and perform the essential functions of the job after one (1) calendar year of PAN leave without pay consistent with 101 KAR 2:102. The Personnel Branch shall notify the staff at least ten (10) days prior to the expiration of the one (1) year entitlement.
4. Leave for Seeking and Applying for Other Employment
 - a. If a staff person interviews for another position within DJJ, they shall not be required to use accrued leave for the purpose of attending the interview if the interview is during normal working hours.
 - b. This shall be recorded on the supporting documentation for the timesheet as “for interview” and shall be charged to regular time.
 - c. If a staff person interviews for a position outside of DJJ, accrued annual or compensatory leave shall be used for the amount of time absent from the job.
 - d. Travel expense reimbursement for mileage or the use of state vehicle shall not be permitted for any of the above.
5. Special Leave With Pay

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- a. Pursuant to 101 KAR 2:102, a staff may be placed on special leave with pay for investigative purposes pending an investigation of an allegation of staff misconduct.
- b. Administrative Managers shall send a written request to place a staff on special leave to the Commissioner's office and Office of General Counsel for consideration. Upon approval the request shall be forwarded to the Personnel Branch for processing.
- c. The Personnel Branch shall contact the Personnel Cabinet's Office of Legal Services for final approval and disposition.
- d. When a staff is placed on special investigative leave, the Personnel Branch shall be responsible for preparing a notification letter to the staff informing them of placement on special investigative leave, along with any agency requirements for the staff.
- e. The appropriate Division Director, Assistant Director, Facilities Regional Administrator (FRA), or Branch Manager, along with another Supervisor as witness, shall hand-deliver the notification letter to the staff.
- f. The Supervisor delivering the notification letter shall verbally explain the contents of the letter to the staff being placed on leave and answer any questions.
- g. The Supervisor delivering the notification letter shall have the receiving staff sign a confirmation sheet provided with the letter and return the signed confirmation sheet to the Personnel Branch. If the receiving staff refuses to sign, this shall be noted on the confirmation sheet, along with the signatures of the delivering Supervisor and the witness.

V. MONITORING MECHANISM

- A. Administrative Managers and the Personnel Branch shall be responsible for monitoring the guidelines set forth in the policy.
- B. The Personnel Branch shall audit 3% of the total staff complement on a quarterly basis to monitor compliance with this policy, consisting of review of the timesheet and supporting documentation, and report any non-compliance to the appropriate Deputy Commissioner.